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begin on the day the act or event occurs.

(b) Unless otherwise stated, any time period scheduled, under the TR SO₂ Group 1 Trading Program, to begin before the occurrence of an act or event shall be computed so that the period ends the day before the act or event occurs.

(c) Unless otherwise stated, if the final day of any time period, under the TR SO₂ Group 1 Trading Program, is not a business day, the time period shall be extended to the next business day.

§ 97.608 Administrative appeal procedures.

The administrative appeal procedures for decisions of the Administrator under the TR SO₂ Group 1 Trading Program are set forth in part 78 of this chapter.

§ 97.609 [Reserved]

§ 97.610 State SO₂ Group 1 trading budgets, new unit set-asides, Indian country new unit set-aside, and variability limits.

(a) The State SO₂ trading budgets, new unit set-asides, and Indian country new unit set-asides for allocations of TR SO₂ Group 1 allowances for the control periods in 2012 and thereafter are as follows:

(1) *Illinois*. (i) The SO₂ trading budget for 2012 and 2013 is 234,889 tons.

(ii) The SO₂ new unit set-aside for 2012 and 2013 is 11,744 tons.

(iii) [Reserved]

(iv) The SO₂ trading budget for 2014 and thereafter is 124,123 tons.

(v) The SO₂ new unit set-aside for 2014 and thereafter is 6,206 tons.

(vi) [Reserved]

(2) *Indiana*. (i) The SO₂ trading budget for 2012 and 2013 is 285,424 tons.

(ii) The SO₂ new unit set-aside for 2012 and 2013 is 8,563 tons.

(iii) [Reserved]

(iv) The SO₂ trading budget for 2014 and thereafter is 161,111 tons.

(v) The SO₂ new unit set-aside for 2014 and thereafter is 4,833 tons.

(vi) [Reserved]

(3) *Iowa*. (i) The SO₂ trading budget for 2012 and 2013 is 107,085 tons.

(ii) The SO₂ new unit set-aside for 2012 and 2013 is 2,035 tons.

(iii) The SO₂ Indian country new unit set-aside for 2012 and 2013 is 107 tons.

(iv) The SO₂ trading budget for 2014 and thereafter is 75,184 tons.

(v) The SO₂ new unit set-aside for 2014 and thereafter is 1,429 tons.

(vi) The SO₂ Indian country new unit set-aside for 2014 and thereafter is 75 tons.

(4) *Kentucky*. (i) The SO₂ trading budget for 2012 and 2013 is 232,662 tons.

(ii) The SO₂ new unit set-aside for 2012 and 2013 is 13,960 tons.

(iii) [Reserved]

(iv) The SO₂ trading budget for 2014 and thereafter is 106,284 tons.

(v) The SO₂ new unit set-aside for 2014 and thereafter is 6,377 tons.

(vi) [Reserved]

(5) *Maryland*. (i) The SO₂ trading budget for 2012 and 2013 is 30,120 tons.

(ii) The SO₂ new unit set-aside for 2012 and 2013 is 602 tons.

(iii) [Reserved]

(iv) The SO₂ trading budget for 2014 and thereafter is 28,203 tons.

(v) The SO₂ new unit set-aside for 2014 and thereafter is 564 tons.

(vi) [Reserved]

(6) *Michigan*. (i) The SO₂ trading budget for 2012 and 2013 is 229,303 tons.

(ii) The SO₂ new unit set-aside for 2012 and 2013 is 4,357 tons.

(iii) The SO₂ Indian country new unit set-aside for 2012 and 2013 is 229 tons.

(iv) The SO₂ trading budget for 2014 and thereafter is 143,995 tons.

(v) The SO₂ new unit set-aside for 2014 and thereafter is 2,736 tons.

(vi) The SO₂ Indian country new unit set-aside for 2014 and thereafter is 144 tons.

(7) *Missouri*. (i) The SO₂ trading budget for 2012 and 2013 is 207,466 tons.

(ii) The SO₂ new unit set-aside for 2012 and 2013 is 4,149 tons.

(iii) [Reserved]

(iv) The SO₂ trading budget for 2014 and thereafter is 165,941 tons.

(v) The SO₂ new unit set-aside for 2014 and thereafter is 3,319 tons.

(vi) [Reserved]

(8) *New Jersey*. (i) The SO₂ trading budget for 2012 and 2013 is 7,670 tons.

(ii) The SO₂ new unit set-aside for 2012 and 2013 is 153 tons.

(iii) [Reserved]

(iv) The SO₂ trading budget for 2014 and thereafter is 5,574 tons.

(v) The SO₂ new unit set-aside for 2014 and thereafter is 111 tons.

(vi) [Reserved]

(9) *New York*. (i) The SO₂ trading budget for 2012 and 2013 is 30,852 tons.

(ii) The SO₂ new unit set-aside for 2012 and 2013 is 586 tons.

(iii) The SO₂ Indian country new unit set-aside for 2012 and 2013 is 31 tons.

(iv) The SO₂ trading budget for 2014 and thereafter is 22,112 tons.

(v) The SO₂ new unit set-aside for 2014 and thereafter is 420 tons.

(vi) The SO₂ Indian country new unit set-aside for 2014 and thereafter is 22 tons.

(10) *North Carolina*. (i) The SO₂ trading budget for 2012 and 2013 is 136,881 tons.

(ii) The SO₂ new unit set-aside for 2012 and 2013 is 10,813 tons.

(iii) The SO₂ Indian country new unit set-aside for 2012 and 2013 is 137 tons.

(iv) The SO₂ trading budget for 2014 and thereafter is 57,620 tons.

(v) The SO₂ new unit set-aside for 2014 and thereafter is 4,552 tons.

(vi) The SO₂ Indian country new unit set-aside for 2014 and thereafter is 58 tons.

(11) *Ohio*. (i) The SO₂ trading budget for 2012 and 2013 is 310,230 tons.

(ii) The SO₂ new unit set-aside for 2012 and 2013 is 6,205 tons.

(iii) [Reserved]

(iv) The SO₂ trading budget for 2014 and thereafter is 137,077 tons.

(v) The SO₂ new unit set-aside for 2014 and thereafter is 2,742 tons.

(vi) [Reserved]

(12) *Pennsylvania*. (i) The SO₂ trading budget for 2012 and 2013 is 278,651 tons.

(ii) The SO₂ new unit set-aside for 2012 and 2013 is 5,573 tons.

(iii) [Reserved]

(iv) The SO₂ trading budget for 2014 and thereafter is 112,021 tons.

(v) The SO₂ new unit set-aside for 2014 and thereafter is 2,240 tons.

(vi) [Reserved]

(13) *Tennessee*. (i) The SO₂ trading budget for 2012 and 2013 is 148,150 tons.

(ii) The SO₂ new unit set-aside for 2012 and 2013 is 2,963 tons.

(iii) [Reserved]

(iv) The SO₂ trading budget for 2014 and thereafter is 58,833 tons.

(v) The SO₂ new unit set-aside for 2014 and thereafter is 1,177 tons.

(vi) [Reserved]

(14) *Virginia*. (i) The SO₂ trading budget for 2012 and 2013 is 70,820 tons.

(ii) The SO₂ new unit set-aside for 2012 and 2013 is 2,833 tons.

(iii) [Reserved]

(iv) The SO₂ trading budget for 2014 and thereafter is 35,057 tons.

(v) The SO₂ new unit set-aside for 2014 and thereafter is 1,402 tons.

(vi) [Reserved]

(15) *West Virginia*. (i) The SO₂ trading budget for 2012 and 2013 is 146,174 tons.

(ii) The SO₂ new unit set-aside for 2012 and 2013 is 10,232 tons.

(iii) [Reserved]

(iv) The SO₂ trading budget for 2014 and thereafter is 75,668 tons.

(v) The SO₂ new unit set-aside for 2014 and thereafter is 5,297 tons.

(vi) [Reserved]

(16) *Wisconsin*. (i) The SO₂ trading budget for 2012 and 2013 is 79,480 tons.

(ii) The SO₂ new unit set-aside for 2012 and 2013 is 3,099 tons.

(iii) The SO₂ Indian country new unit set-aside for 2012 and 2013 is 80 tons.

(iv) The SO₂ trading budget for 2014 and thereafter is 47,883 tons.

(v) The SO₂ new unit set-aside for 2014 and thereafter is 1,867 tons.

(vi) The SO₂ Indian country new unit set-aside for 2014 and thereafter is 48 tons.

(b) The States' variability limits for the State SO₂ Group 1 trading budgets for the control periods in 2014 and thereafter are as follows:

(1) The SO₂ variability limit for Illinois is 22,342 tons.

(2) The SO₂ variability limit for Indiana is 29,000 tons.

(3) The SO₂ variability limit for Iowa is 13,533 tons.

(4) The SO₂ variability limit for Kentucky is 19,131 tons.

(5) The SO₂ variability limit for Maryland is 5,077 tons.

(6) The SO₂ variability limit for Michigan is 25,919 tons.

(7) The SO₂ variability limit for Missouri is 29,869 tons.

(8) The SO₂ variability limit for New Jersey is 1,003 tons.

(9) The SO₂ variability limit for New York is 3,980 tons.

(10) The SO₂ variability limit for North Carolina is 10,372 tons.

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(11) The SO₂ variability limit for Ohio is 24,674 tons.

(12) The SO₂ variability limit for Pennsylvania is 20,164 tons.

(13) The SO₂ variability limit for Tennessee is 10,590 tons.

(14) The SO₂ variability limit for Virginia is 6,310 tons.

(15) The SO₂ variability limit for West Virginia is 13,620 tons.

(16) The SO₂ variability limit for Wisconsin is 8,619 tons.

(c) Each SO₂ trading budget in this section includes any tons in a new unit set aside or Indian country new unit set aside, but does not include any tons in a variability limit.

[77 FR 10339, Feb. 21, 2012]

EFFECTIVE DATE NOTE: At 77 FR 34846, June 12, 2012, §97.610 was amended by revising paragraph (a)(2); paragraphs (a)(7)(ii) and (a)(7)(v); paragraphs (a)(9) and (a)(11); and paragraphs (b)(2), (b)(9), and (b)(11), effective Aug. 13, 2012. For the convenience of the user, the revised text is set forth as follows:

§97.610 State SO₂ Group 1 trading budgets, new unit set-asides, Indian country new unit set-aside, and variability limits.

(a) * * *

(2) *Indiana.* (i) The SO₂ trading budget for 2012 and 2013 is 290,762 tons.

(ii) The SO₂ new unit set-aside for 2012 and 2013 is 8,723 tons.

(iii) [Reserved]

(iv) The SO₂ trading budget for 2014 and thereafter is 166,449 tons.

(v) The SO₂ new unit set-aside for 2014 and thereafter is 4,993 tons.

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(ii) The SO₂ new unit set-aside for 2012 is 4,149 tons and for 2013 is 6,224 tons.

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(v) The SO₂ new unit set-aside for 2014 and thereafter is 4,978 tons.

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(9) *New York.* (i) The SO₂ trading budget for 2012 and 2013 is 36,296 tons.

(ii) The SO₂ new unit set-aside for 2012 and 2013 is 690 tons.

(iii) The SO₂ Indian country new unit set-aside for 2012 and 2013 is 36 tons.

(iv) The SO₂ trading budget for 2014 and thereafter is 27,556 tons.

(v) The SO₂ new unit set-aside for 2014 and thereafter is 523 tons.

(vi) The SO₂ Indian country new unit set-aside for 2014 and thereafter is 28 tons.

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(11) *Ohio.* (i) The SO₂ trading budget for 2012 and 2013 is 315,393 tons.

(ii) The SO₂ new unit set-aside for 2012 and 2013 is 6,308 tons.

(iii) [Reserved]

(iv) The SO₂ trading budget for 2014 and thereafter is 142,240 tons.

(v) The SO₂ new unit set-aside for 2014 and thereafter is 2,845 tons.

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(b) * * *

(2) The SO₂ variability limit for Indiana is 29,961 tons.

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(9) The SO₂ variability limit for New York is 4,960 tons.

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(11) The SO₂ variability limit for Ohio is 25,603 tons.

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§97.611 Timing requirements for TR SO₂ Group 1 allowance allocations.

(a) *Existing units.* (1) TR SO₂ Group 1 allowances are allocated, for the control periods in 2012 and each year thereafter, as provided in a notice of data availability issued by the Administrator. Providing an allocation to a unit in such notice does not constitute a determination that the unit is a TR SO₂ Group 1 unit, and not providing an allocation to a unit in such notice does not constitute a determination that the unit is not a TR SO₂ Group 1 unit.

(2) Notwithstanding paragraph (a)(1) of this section, if a unit provided an allocation in the notice of data availability issued under paragraph (a)(1) of this section does not operate, starting after 2011, during the control period in two consecutive years, such unit will not be allocated the TR SO₂ Group 1 allowances provided in such notice for the unit for the control periods in the fifth year after the first such year and in each year after that fifth year. All TR SO₂ Group 1 allowances that would otherwise have been allocated to such unit will be allocated to the new unit